IN THE PARSI CHIEF MATRIMONIAL COURT AT BOMBAY

SUIT NO. 27 OF 2005

Rohinton Farmroze Anklesaria,
At E/20, Shapurji Bharucha Baug,
S.V. Road, Mumbai - 400 016. ... Plaintiff No.1.

And

Tanaz Rohinton Anklesaria
At Malcolm Baug, Jogeshwari (W),
Mumbai-400 012. ... Plaintiff No.2.

Ms. Armaity S. Khushrushahi for the plaintiffs.

Ms. Freny Percy Siganporia - Sister of plaintiff No.2 present.

CORAM: P.V. KAKADE, J.

DATED: 16TH DEC., 2005

P.C.:

1. The suit is filed for decree of divorce dissolving the marriage by mutual consent as contemplated under Sec.32-B of the Parsi Marriage & Divorce Act, 1936 (hereinafter referred to as the said Act).

2. The plaintiff No.2 wife is present. Plaintiff No.1 husband is not present. Real sister of plaintiff No.2 is present and submits that plaintiff No.1 is abroad at Muscat and unable to visit India. However, the record shows that on 24.8.2005 plaintiff No.1 was present and

pointed out to the Court that he had to leave the country and therefore considering the circumstances, this Court has passed an order to the effect that his presence is dispensed with on the next occasion i.e. today. The matter could not be disposed of due to illness of plaintiff No.2 on that day.

3. Subsequently, on 31.8.2005, this Court has passed directions in presence of plaintiff No.1 who was present, to the effect that his further presence from the Court is dispensed with as plaintiff No.2 was not present and it was further directed that it would be open for the plaintiff No.2 to apply for the earlier date of hearing if plaintiff No.2 is present.

4. On this back ground, the matter has come up for hearing today. I am satisfied that this Court, while passing orders dated 24.8.2005 as well as 31.8.2005 has satisfied itself from the plaintiff No.1 about the voluntariness of the plea made in the suit.

5. As the record shows that the parties were married on 15th December, 2004, according to the Parsi Zoroastrian rites and customs and there is no issue from the said marriage and they are separated from 20.4.2004 and have

not cohabited since then. I am also satisfied that both parties have voluntarily filed the suit and consent terms and, therefore, the conditions as contemplated under Sec.32-B of the said Act are complied with and I have no hesitation in decreeing the suit.

6. The suit stands decreed in terms of prayer clause (a) and stands disposed of with no order as to costs.

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